



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

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3/21/96
147510

REPLY TO THE ATTENTION OF:

March 21, 1996

Philip M. Moilanen
Bullen, Moilanen, Klaasen & Swan
402 South Brown Street
Jackson, Michigan 49203

RE: Albion-Sheridan Township Landfill Site
Albion, Michigan

Dear Mr. Moilanen:

This letter responds to your letter to the undersigned dated March 1, 1996, which was received by the undersigned on March 19, 1996, by which you request a meeting with U.S. EPA to "engage in negotiations with Decker to obtain a stipulated settlement figure that fairly represents Decker's alleged responsibility for the conditions at the site".¹

To the extent your March 1 letter requests that U.S. EPA consider Decker as a de minimis party, I refer you to the undersigned's letter to you dated January 18, 1996. As set forth in my January 18 letter, U.S. EPA has not received any further information from Decker regarding the volume or nature of the hazardous substances generated by Decker and released at the Site.

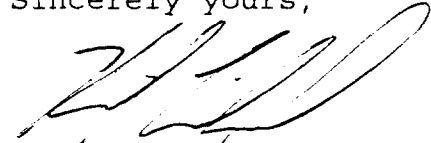
To the extent your March 1 letter requests that U.S. EPA consider a "cash out" settlement with Decker, U.S. EPA will not currently consider such offers from parties, such as Decker, who are jointly and severally liable for response costs at the Site, and whose basis for liability is no different than any other PRP at the Site. In the event U.S. EPA will consider such "cash out" settlements, U.S. EPA will notify you immediately.

However, Decker may submit an offer to U.S. EPA, along with information supporting its basis for such offer, at any time. U.S. EPA will retain any submitted good faith offer and consider it when and as U.S. EPA determines such settlement to be appropriate at the above referenced Site.

¹ I note that the March 1 letter was apparently faxed. However, I never received such transmission until on or about March 19 by regular mail.

If you have any questions regarding this matter, please do not hesitate to call me at (312) 886-6831.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'K. Lindland', with a large, sweeping loop at the end.

Kurt N. Lindland
Assistant Regional Counsel

cc: Leah Evison/EPA/Superfund